

SIR GEORGE WILLIAMS UNIVERSITY

CODE OF STUDENT BEHAVIOUR

approved by the Board of Governors

on recommendation of the University Council

June 12, 1969

CODE OF STUDENT BEHAVIOUR

Sir George Williams University is an educational and research institution. It consists therefore of men and women dedicated, both individually and as a community, to inquiry and analysis, to the accumulation and dissemination of knowledge, and to the creative and speculative exercise of the imagination. The essential condition for these pursuits is an atmosphere of freedom. Without academic freedom Sir George Williams would cease to function as a University.

However, all freedom is limited, and the point of limitation lies where freedom turns against itself and threatens to destroy itself. The crucial corollaries to freedom are tolerance of rival hypotheses and points of view, and the discipline of their critical examination and comparative evaluation. Intolerance and dogmatism are forms of conduct and thought that jeopardize and pervert freedom, and thereby destroy the only environment in which a university can function.

Sir George Williams would be derelict in its social responsibilities if it did not create and maintain structures that guarantee not only its survival but also its proper functioning as an educational and research institution. The fundamental requirement for this is that all members of its community accept principles of tolerance and discipline within a framework of academic freedom.

Authority for the administration of the University is vested by statute in the Board of Governors. The regulations and procedures set out in this code have been approved by the Board of Governors under this authority as well as by the University Council. Any amendments to this code must similarly receive the approval of both these bodies.

Nothing herein contained shall limit the authority of the Board of Governors to exercise the authority conferred upon it and to make such emergency or other regulations affecting the peace, order and good government of the University as may from time to time be required.

THREE CLASSES OF BEHAVIOUR

The three classes of behaviour described below have the common characteristic that they relate to the pursuit of the University community's academic goals. Their differences, however, indicate a need for differences in the person or body passing judgment on the conduct; in the severity of the sanctions appropriate to an offence; and in the rules and procedures for processing cases.

1. ACADEMIC CONTROL AND SCHOLASTIC EVALUATION start with the individual faculty member as a "court of first instance," and are the primary concern of the individual member of faculty, who must act within University rules respecting assessment of academic performance such as grading, claims to reread, etc.
2. SCHOLASTIC OFFENCES are the concern of the faculty as a whole. They relate to the performance of academic duties or standards of scholarship, such offences as cheating and plagiarism. It is necessary to divide scholastic offences into those which may lead only to suspension, dismissal or expulsion, and those which do not; and
3. SOCIO-ACADEMIC OFFENCES relate to the disruption of good order in the classroom or in campus facilities, or in meetings of councils and associations concerned with the government of the University, and damage to property and danger to the safety of other. It is necessary to divide socio-academic offences into those that may lead only to suspension, dismissal or expulsion, and those which do not.

JURISDICTION AND PROCEDURE

1. ACADEMIC CONTROL AND SCHOLASTIC EVALUATION

- (a) Establishment of rules respecting the assessment of academic performance such as grading, claims to rereads, etc., is the responsibility of the University Council. The University Council shall appoint a Rules Committee with the power of delegation to the Faculty Councils. All such rules shall be promulgated by the Board of Governors.
- (b) Academic control and scholastic evaluation shall start with the individual faculty member as a "court of first instance."
- (c) The student shall have a right of appeal from a decision of a member of faculty to a Faculty or Department Committee on Academic Standards created by the Faculty Council of the Faculty or the Department concerned.

(d) The students shall have a further right of appeal to the University Council, which may delegate this function to an Appellate Committee consisting of one person from each Faculty, chosen by the University Council.

2. SCHOLASTIC OFFENCES

The charge or charges shall be reported, in writing, to the Dean of the Faculty of the student charged, and to a central university office, once such office is established. The Faculty Dean or his deputy shall be responsible for ensuring that "due process" is extended to the student until the said central university office is established, whereupon the officer who occupies such central university office shall be solely responsible for ensuring "due process."

Scholastic offences not leading only to suspension, dismissal, or expulsion shall proceed as follows:

(a) The person charged is entitled to be judged by a Faculty Discipline Committee or by his Dean at his option. The Committee, if requested, will be created by the Faculty Council and will consist of five persons, three of whom shall be students.

(b) There shall be a right of appeal to the Academic Discipline Committee consisting of five persons elected by the University Council, two of whom shall be students.

(c) There shall be a further right of appeal to the University Council, which may delegate this function to an Appellate Committee consisting of one person from each Faculty, chosen by the University Council.

Scholastic offences leading only to suspension, dismissal or expulsion shall proceed as follows:

(a) The person charged is entitled to be judged by the Academic Discipline Committee of University Council.

(b) There shall be a right of appeal to the Appellate Committee of University Council.

(c) There shall be a further right of appeal to the Board of Governors.

3. SOCIO-ACADEMIC OFFENCES

The charge or charges shall be reported in writing to the Dean of the Faculty of the student charged and to a central university office, once such office is established. The Faculty Dean or his deputy shall be responsible for ensuring that "due process" is extended to the student until the said central university office is established, whereupon the officer who occupies such central university office shall be solely responsible for ensuring "due process."

Socio-academic offences not leading only to suspension, dismissal or expulsion and offences under Article 8 shall proceed as follows:

(a) The person charged is entitled to be judged by a Student Court composed of three students, two appointed by the Students' Association and one appointed by the Evening Students' Association, if a day student is charged, two evening students and one day student, if an evening student is charged. If the Student Court imposes suspension or expulsion, the Hearing Committee provided for hereunder shall review the case. In the absence of an appeal, the Hearing Committee may reduce, but shall not increase the sanction imposed by the Student Court.

(b) There shall be a right of appeal to a Hearing Committee, established by the University Council on Student Life, as follows:

Three students (two appointed by the Students' Association, one appointed by the Evening Students' Association, or in the event an evening student is being charged, two evening students and one day student).

One faculty member (appointed by the Dean of the student's Faculty); one senior administrator (appointed by the Vice-Principal, Administration and Finance).

(c) There shall be a further right of appeal to the Appellate Committee of University Council.

(d) There shall be a further right of appeal to the Board of Governors.

Socio-academic offences leading only to suspension, dismissal or expulsion (other than offences under article 8) shall proceed as follows:

(a) The person charged is entitled to be judged by a Hearing Committee established by the University Council on Student Life as described hereinabove.

(b) There shall be a right of appeal to the Appellate Committee of University Council.

(c) There shall be a further right of appeal to the Board of Governors.

FORMATION OF TRIBUNALS

All Councils, Courts and Committees responsible for student conduct shall be formed, and their membership published, in September of each academic year. A list of alternate members shall be named, also in September, and from time to time as may be required. The student charged has the right to replace one regular member of the tribunal with one person, selected by him, from the list of alternate members.

PROCEDURAL RULES

The following rules shall be applicable to all bodies judging student conduct:

- (a) A person being judged has a right to a tribunal that will act in good faith and impartially.
- (b) A person being judged has a right to demand that the tribunal stay within its jurisdiction.
- (c) A person being judged has a right to demand adherence to prescribed rules of procedure.
- (d) A person being judged has a right to a written notice giving the substance of the charge, the penalties for the offence, and the date set for the hearing.
- (e) A person being judged has a right to time to prepare his defence, the period not to exceed ten days.
- (f) A person being judged has a right to a hearing. Such a hearing will normally be held in camera, but may at the option of the person charged be open to observation by any member of the University community, subject to limitations of space, good conduct and special considerations of confidentiality.
- (g) A person being judged has a right to hear witnesses giving evidence against him.
- (h) A person being judged has a right to produce witnesses and other evidence.
- (i) A person being judged has a right to have the case decided solely on the evidence presented.
- (j) A person being judged has a right to be judged only on that charge of which he has received formal notice of the substance.
- (k) A person being judged has a right to an expeditious and timely disposal of a charge.
- (l) A record shall be made of the hearing either by a transcription of stenographic notes or by a tape recording. This record shall be retained in the office of the Dean of Students.
- (m) Copies of charges and other pertinent data, such as letters of notification, shall be forwarded to the student charged by registered mail at the student's current address as contained in the Records of the University.
- (n) A student charged with an offence shall have a right to qualified legal counsel at his own expense. The University has no obligation to provide any legal counsel.

- (o) A student charged with an offence shall have a right to cross-examine.
- (p) Decisions in all Councils, Courts and Committees judging student conduct shall be determined by at least a majority.
- (q) The chairmanship of any committee will be decided by the members of that committee.
- (r) There will be no appeal on methods of procedure against any committee.
- (s) Councils, Courts and Committees shall decide as to the admissibility of evidence introduced before them.
- (t) The student charged, the party bringing the charge, or the University shall have equal right to appeal.
- (u) A notice of appeal shall be forwarded by the appellant to the appropriate appellate body and to the other parties to the proceedings in appeal by registered mail at the then current addresses as contained in the Records of the University.

REVIEW OF CODE

There is a need for a mechanism, effective and legitimate in the judgement of students, for peaceful and orderly change in the Code of Student Behaviour. Therefore:

1. All the regulations and procedures set out in this Code of Student Behaviour shall be reviewed as the University Council may determine;
2. Amendments cannot be applied retroactively.

OFFENCES AND SANCTIONS

Sanctions have been designated both to educate the offender regarding the error of his conduct and to protect the University community in the pursuit of its academic goals. In the following codification, the appropriate sanctions for each offence are listed. The body which hears the case will select the particular sanction to be applied.

GENERAL PROVISIONS

1. Students may only be charged hereunder with substantive offences as outlined in this Code of Student Behaviour, and for no other reason of a disciplinary origin.
2. Students may only be subjected to those sanctions which are enumerated after each offence.

3. To be convicted of an offence, it must be proved beyond a reasonable doubt that the student charged, (a) intended to commit the offence, and (b) did commit the offence.
4. The existence of this Code of Student Behaviour does not limit the right of the University or of its members to have recourse to the law.
5. All proceedings instituted pursuant to the present Code must be instituted within eight months of the event giving rise to any such complaint. All proceedings in appeal of any decision rendered pursuant hereto must be commenced within seven days of the forwarding by registered mail of such decision.
6. Notwithstanding anything herein contained, the Principal or Vice-Principal (Academic) may suspend a student prior to the commencement of or at any time during the procedures herein set out. The student shall nevertheless maintain his right to be dealt with in accordance with the procedures herein set out, even though suspended.

SCHOLASTIC OFFENCES

Article 1

Every student who

- (a) cheats on or falsifies material subject to academic or scholastic evaluation,

is guilty of an offence and is liable

- (i) to be refused a passing grade for the course.

Article 2

Every student who

plagiarizes material from another source without due reference to its authorship, whether such authorship is from a published work or another student's work, with the intention of representing such work as his own,

is guilty of an offence and is liable

- (i) to be required to submit original work, or,
- (ii) to be refused a passing grade for the course.

Article 3

Every student who,

without the consent of the instructor, submits a term paper for a course other than the one to which it was originally submitted,

is guilty of an offence and is liable

- (i) to be required to re-submit original work for evaluation, or,
- (ii) to be refused a passing grade for the course.

Article 4

Every student who

commits two or more offences of Articles 1, 2, and 3 of this Code of Discipline,

is liable

- (i) to be suspended from the University, or,
- (ii) to be expelled from the University.

Article 5

Every student who

furnishes credentials that have been earned by another person, or falsifies records, transcripts or other academic papers so as to present his academic position in a false manner,

is guilty of an offence and is liable

- (i) to be suspended from the University, or,
- (ii) to be expelled from the University.

Article 6

Every student who

submits a false medical certificate or who has obtained a medical certificate under false pretenses for purposes of avoiding or postponing an academic assignment,

is guilty of an offence and is liable

- (i) to be refused a passing grade for the course, or,
- (ii) to be suspended from the University, or,
- (iii) to be expelled from the University.

Article 7

Every student who

obtains through theft, bribery or collusion, an examination previous to the date and time for writing such an examination,

is guilty of an offence and is liable

- (i) to be suspended from the University, or,
- (ii) to be expelled from the University.

SOCIO-ACADEMIC OFFENCES

Article 8

Every student who

interferes with the proper functioning of the University as an educational and research institution, or interferes with the peace, order and good government of the University,

is guilty of an offence and is liable

- (i) to be suspended from the University, or,
- (ii) to be expelled from the University.

Article 9

Every student who

publishes or distributes on University property articles, leaflets, posters, newspapers or magazines that do not state the origin and names of those persons who are responsible for the publication,

is guilty of an offense and is liable

- (i) to have his student privileges restricted, or,
- (ii) to be suspended.

Article 10

Every student who

refuses to produce appropriate identification upon request by authorized University personnel,

is guilty of an offence and is liable

- (i) to have his student privileges restricted, or,
- (ii) to be suspended.

Article 11

Every student who

consumes alcoholic beverages on University property without legal authorization,

is guilty of an offence and is liable

- (i) to have his student privileges restricted, or,
- (ii) to be suspended.

Article 12

Every student who

remains on University property without authorization after the stipulated closing hour,

is guilty of an offence and is liable

- (i) to have his student privileges restricted, or,
- (ii) to be suspended.

Article 13

Every student who

- (a) publishes on University property libelous material; or
- (b) verbally on University property expresses slanderous material,

is guilty of an offence and is liable

- (i) to have his student privileges restricted, or,
- (ii) to be suspended from the University, or,
- (iii) to be expelled from the University.

Article 14

Every student who

by an overt act, procures the limitation of the rights of any person subject hereto, whether on the basis of race, creed, color, religion, or otherwise,

is guilty of an offence and is liable

- (i) to have his student privileges restricted, or,
- (ii) to be suspended from the University, or,
- (iii) to be expelled from the University.

Article 15

Every student who

engages in, or encourages, any form of assault, violence or threats thereof, directed against another member of the University community,

is guilty of an offence and is liable

- (i) to have his student privileges restricted, or,
- (ii) to be suspended from the University, or,
- (iii) to be expelled from the University.

Article 16

Every student who

engages in, or encourages, the destruction or damage of University property or personal effects,

is guilty of an offence and is liable

- (i) to have his student privileges restricted, and,
- (ii) to be required to pay a fine which shall not exceed the amount of the damage caused to property or effects, and in default of payment, to be expelled from the University, or,
- (iii) to be suspended from the University, or,
- (iv) to be expelled from the University.

Article 17

Every student who

by unauthorized occupation or by unauthorized assembly on or in University property,

- (a) prevents free access or egress by any member of the University community to or from such property; or
- (b) prevents the conducting of study, classroom or laboratory work or employment,

is guilty of an offence and is liable

- (i) to have his student privileges restricted, or,
- (ii) to be suspended from the University, or,
- (iii) to be expelled from the University.

Article 18

Every student who

interrupts or otherwise disturbs the peaceful continuance of any authorized activity, event, or classroom or laboratory period,

is guilty of an offence and is liable

- (i) to have his student privileges restricted, or,
- (ii) to be suspended from the University, or,
- (iii) to be expelled from the University.

Article 19

Every student who

enters premises on University property to which he is forbidden free access,

is guilty of an offence and is liable

- (i) to have his student privileges restricted, or,
- (ii) to be suspended from the University, or,
- (iii) to be expelled from the University.

Article 20

Every student who

forges, falsifies, mutilates or with intent to deceive otherwise alters:

- (a) University Identification Cards, or,
- (b) University documents or letters,

is guilty of an offence and is liable

- (i) to have his student privileges restricted, or,
- (ii) to be suspended from the University, or,
- (iii) to be expelled from the University.

Article 21

Every student who

attempts to commit, conspires to commit, or is an accessory after the fact to a commission of an offence within this code of discipline,

is guilty of an offence and is liable

- (i) to have his student privileges restricted, or,
- (ii) to be suspended from the University, or,
- (iii) to be expelled from the University.

Article 22

Every student who

is convicted of an offence outlined in the Criminal Code of Canada on University property or at University functions,

is guilty of an offence and is liable, notwithstanding Article 8 hereof

- (i) to have his standing as a member of the University reviewed by an authorized officer, who shall forward his recommendations to the Board of Governors.

Article 23

Every student who

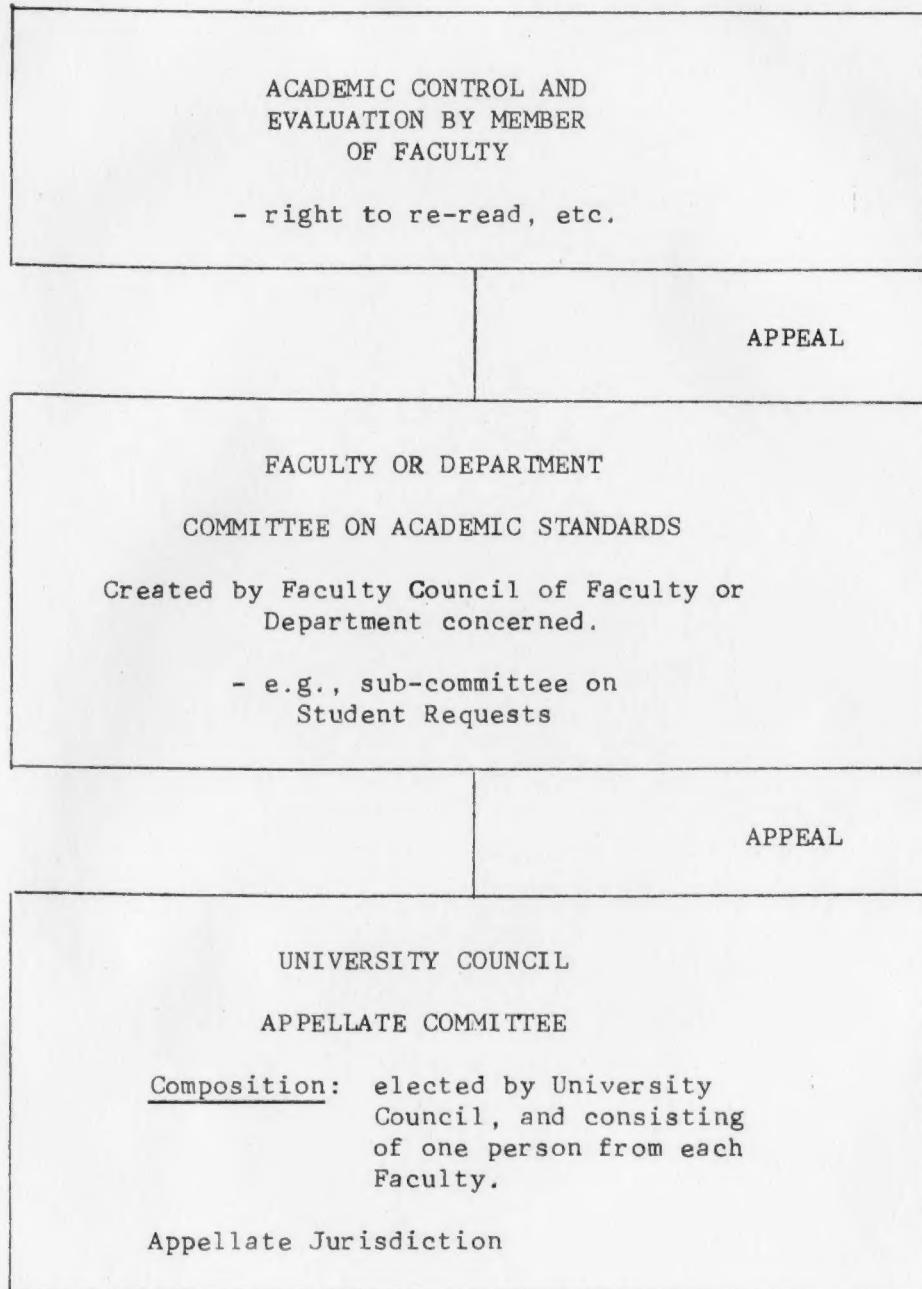
fails to submit to the jurisdiction of this Code of Discipline,

is guilty of an offence and is liable

- (i) to be suspended from the University, or,
- (ii) to be expelled from the University.

ACADEMIC CONTROL AND SCHOLASTIC EVALUATION

Academic control and evaluation start with the individual faculty member as a "court of first instance," and are the primary concern of the individual member of faculty, who must act within university rules respecting assessment of academic performance such as grading, claims to rereads, and so on.



SCHOLASTIC OFFENCES

Offences which relate to the performance of academic duties or standards of scholarship, such as cheating and plagiarism. It is necessary to divide scholastic offences into those which may lead only to suspension, dismissal or expulsion, and those which do not.

(a) FACULTY DISCIPLINE COMMITTEE

or

(b) FACULTY DEAN: option in Accused.

Composition: (a) created by Faculty Council, consisting of 5 persons, 3 of whom shall be students.

Original Jurisdiction: cases short of suspension, dismissal and expulsion.

APPEAL

ACADEMIC DISCIPLINE COMMITTEE

Composition: 5 persons elected by University Council, two of whom shall be students.

Original Jurisdiction: suspension, dismissal and expulsion cases.

Appellate Jurisdiction: cases short of suspension, dismissal and expulsion.

APPEAL

UNIVERSITY COUNCIL
APPELLATE COMMITTEE

Composition: elected by University Council, and consisting of one person from each Faculty.

Appellate Jurisdiction: all cases.

APPEAL

BOARD OF GOVERNORS

Statutory Responsibility.

Appellate Jurisdiction: suspension, dismissal and expulsion cases.

SOCIO-ACADEMIC OFFENCES

Offences which relate to disruption of good order in the classroom or in campus facilities, or in meetings of such councils and associations as are legitimately concerned with the government of the University, and damage to property and danger to the health or safety of others. It is necessary to divide socio-academic offences into those which may lead only to suspension, dismissal or expulsion, and those which do not.

STUDENT COURT

Composition: 3 students (appointed in the same manner described below under Hearing Committee).

Original Jurisdiction: cases short of suspension, dismissal or expulsion and cases under Article 8.

APPEAL

HEARING COMMITTEE - established by University Council on Student Life.

Composition: 3 students (2 appointed by the Students' Association, 1 appointed by the Evening Students' Association, or in the event an evening student is being charged, 2 evening students and 1 day student).

1 faculty member (appointed by the Dean of the student's Faculty); 1 senior administrator (appointed by the Vice-Principal, Administration and Finance).

Original Jurisdiction: suspension, dismissal and expulsion cases.

Appellate Jurisdiction: from Student Court.

APPEAL

UNIVERSITY COUNCIL
APPELLATE COMMITTEE

Composition: elected by University Council, and consisting of one person from each Faculty.

Appellate Jurisdiction: all cases.

APPEAL

BOARD OF GOVERNORS

Statutory Responsibility

Appellate Jurisdiction: all cases.

DEFINITIONS

UNIVERSITY COMMUNITY: - Shall mean and include Students, Faculty, Employees, Agents and Governors of the University.

STUDENT PRIVILEGES: - Shall mean and include:

- the right of reasonable access to the facilities of the University.
- the right to hold identity cards issued by the University.
- the right to the services provided in and by the University.
- the right to participate in extracurricular activities and co-curricular activities.
- the right to vote in student elections.
- the right, where duly qualified, to participate in the councils of the University, and councils of the student associations.
- the right to such other privileges as may from time to time be made available.

AUTHORIZED PERSONNEL: - Shall mean and include

- (a) the Principal, Vice-Principal (Academic), Vice-Principal (Administration and Finance) and their Assistants;
- (b) Deans, Assistant Deans, Department Chairmen;
- (c) Security Officers; Employees of the Physical Plant Department;
- (d) and such other employees or agents as may from time to time be designated by an Officer mentioned in paragraphs (a) and (b) hereof.

AUTHORIZED OFFICERS: - Shall mean and include:

- (a) the Principal, Vice-Principal (Academic), Vice-Principal (Administration and Finance) and their Assistants;
- (b) Deans, Assistant Deans, Department Chairmen.

"DUE PROCESS": - Where not otherwise defined shall mean and include the right to be dealt with in accordance with the procedures herein set out.